

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 6, 2006

**SENATE BILL**

**No. 1710**

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**Introduced by Senator Ackerman**  
**(Principal coauthor: Senator Ducheny)**  
**(Coauthor: Senator Perata)**  
(Coauthors: Assembly Members Goldberg and Parra)

February 24, 2006

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An act to amend Sections 33370, 33380, 33381, 33382, 33383, and 62000.14 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1710, as amended, Ackerman. Education: California American Indian Education Center Program.

(1) Existing law establishes within the State Department of Education an American Indian Education Unit to provide administrative oversight of American Indian education programs established by the state and to study and identify the cultural and educational disadvantages affecting American Indian children in the existing public school system. Existing law requires the Superintendent of Public Instruction to appoint an American Indian Education Unit Coordinator to be responsible for the American Indian Education Unit.

This bill would prescribe duties of the American Indian Education Unit and the State Department of Education, as specified. The bill

would also require the Superintendent to appoint an American Indian Education Oversight Committee, as specified.

(2) Existing law, until January 1, 2007, requires the State Board of Education, upon the advice and recommendations of the Superintendent, to adopt guidelines for the selection and administration of California American Indian education centers. Existing law authorizes a tribal group or unincorporated Indian association to submit an application to the state board in order to establish a California American Indian education center. Existing law requires California Indian education centers to be designed to meet specified requirements.

This bill would authorize American Indian education centers to, among other things, improve the academic achievement of American Indian pupils in kindergarten and grades 1 to 12, inclusive, provide a focus for summer cultural, recreational, and academic experiences, and provide training programs, as specified. The bill would require the department to approve revised amendments and updates to the existing 1975 guidelines, as specified. The bill would establish specified criteria for the ranking and ordering of applications to establish an American Indian education center and for funding. The bill would require funding to be disbursed in a specified manner and would require funding for each center to be provided at a minimum of \$100,000, with incremental increases based upon available funding. The bill would provide that an approved application for the establishment of a center would be effective for a period of 5 years and would require the department to begin evaluating the center in order to determine whether to renew the application or approve a new application, as specified.

(3) Existing law provides that the California American Indian Education Center Program becomes inoperative on January 1, 2007.

This bill would extend the program until January 1, 2012. The bill would require each center to annually submit a specified report to the department. The bill would require on or before January 1, 2011, the department to report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and to make recommendations for program improvement. The bill would also require the centers to maintain sound fiscal policies. The bill would require the department to assist the centers in maintaining those policies. The bill would authorize the department to implement an annual program audit or fiscal review, as specified.

(4) This bill would require the State Department of Education, if the application for a California American Indian education center has been approved by the department and the applicant has received written verification of that approval, to distribute ~~75 percent~~ 75% of the grant award for each year of the grant no later than 45 days after enactment of the annual Budget Act or any additional authorizing statute, whichever is later. The bill would require the department to distribute the remaining ~~25 percent~~ 25% of the grant award for each year of the grant no later than April 1 of the year following the year in which the initial ~~75 percent~~ 75% is distributed, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 33370 of the Education Code is  
2 amended to read:  
3 33370. (a) There is hereby created within the department an  
4 American Indian Education Unit, which shall provide technical  
5 support to, and proper administrative oversight of, American  
6 Indian education programs established by the state in order to  
7 ensure that American Indian pupils in California public schools  
8 are able to meet the challenging academic standards of the  
9 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
10 et seq.) and that those programs reflect the cultural and  
11 educational standards stated in Executive Order No. 13336, 69  
12 Federal Register 25295 (May 5, 2004), relating to American  
13 Indian and Alaska Native Education.  
14 (b) The Superintendent shall appoint an American Indian  
15 Education Unit Manager who shall oversee the American Indian  
16 Education Unit.  
17 (c) The duties of the American Indian Education Unit shall  
18 include, development of clear, consistent, and effective operating  
19 policies and procedures that include measures to ensure that the  
20 learning needs of American Indian pupils are being adequately  
21 addressed.  
22 (d) The department shall ensure that staff are properly trained  
23 in the application of the policies adopted pursuant to subdivision  
24 (c) and that the policies are consistent with the legislative intent  
25 relating to the American Indian Education Program and with

1 Section 11019.6 of, subdivisions (d) and (f) of Section 11340 of,  
2 and Section 11342.2 of, the Government Code.

3 (e) The department shall prescribe the following:

4 (1) The data that American Indian centers shall report on an  
5 annual basis in order to measure program performance.

6 (2) On or before January 1, 2011, the department shall conduct  
7 an evaluation of the centers to determine whether to renew the  
8 application of each existing center or instead to approve an  
9 application to establish a new center.

10 (3) A description of the consequences for failing to submit the  
11 data.

12 (f) The department shall adopt policies that include:

13 (1) An equitable process that will be used to select centers that  
14 will receive grant awards and determine their respective funding  
15 amounts.

16 (2) Establish a prompt timeframe for disbursing approved  
17 payments to the centers.

18 (3) A monitoring process and plan to ensure that fiscal and  
19 program information reported by the centers is accurate and  
20 complete, including a process for corrective action and  
21 investigation by the department for noncompliance. The process  
22 shall be based upon consistent and equitable principles.

23 (4) The incorporation of culturally responsive methodologies  
24 in order to ensure that an optimal educational program for  
25 American Indian pupils is supported and maintained.

26 (5) Ensuring respect for the federal trust and sovereign nation  
27 status of California American Indian tribes.

28 (g) The Superintendent, with input from existing center  
29 directors, shall appoint an American Indian Education Oversight  
30 Committee by January 30, 2007, composed of seven American  
31 Indian educators, four of which shall be American Indian  
32 education center directors. All members shall possess proven  
33 knowledge of current educational policies relating to, and issues  
34 faced by, American Indian communities in California. This  
35 committee shall provide input and advice to the Superintendent  
36 on all aspects of American Indian education programs  
37 established by the state.

38 SEC. 2. Section 33380 of the Education Code is amended to  
39 read:

1 33380. The Legislature hereby finds and declares that  
2 American Indian children have not performed well in California  
3 public schools as evidenced by low academic achievement at all  
4 grade levels, high dropout rates, and by the low number of pupils  
5 achieving a higher education. It is the intent and purpose of the  
6 Legislature to establish *community-based* programs that promote  
7 the educational achievement of American Indian pupils attending  
8 public schools throughout the state. The department shall provide  
9 proper guidance and effective administrative support to  
10 California American Indian education centers that recognize the  
11 unique cultural and historical needs of American Indian pupils  
12 and support the need to preserve the languages, cultures, and  
13 social structures of tribal communities.

14 SEC. 3. Section 33381 of the Education Code is amended to  
15 read:

16 33381. The California American Indian education centers  
17 established pursuant to this article shall serve as  
18 community-based educational resource centers to American  
19 Indian pupils, parents, guardians, and the public schools in order  
20 to promote the academic and cultural achievement of the pupils.  
21 The centers, based upon established priority needs, may  
22 accomplish the following:

23 (a) Improve the academic achievement of American Indian  
24 pupils in kindergarten and grades 1 to 12, inclusive.

25 (b) Improve the self-concept and sense of identity of American  
26 Indian pupils and adults.

27 (c) Serve as a center for related community activities.

28 (d) Provide individual and group counseling to pupils and  
29 adults related to personal adjustment, academic progress, and  
30 vocational planning.

31 (e) Create and offer coordinated programs with the public  
32 schools.

33 (f) Provide a focus for summer cultural, recreational, and  
34 academic experiences.

35 (g) Create and offer adult classes and activities that benefit  
36 parents or guardians of pupils in its programs.

37 (h) Provide training programs to develop pathways to college  
38 and the workplace for American Indian pupils.

39 (i) Provide American Indian educational resource materials to  
40 pupils, their parents, and the schools they attend in order to

1 ensure appropriate tribal histories and cultures are made  
2 available.

3 SEC. 4. Section 33382 of the Education Code is amended to  
4 read:

5 33382. The state board, upon the advice and  
6 recommendations of the Superintendent, shall approve revised  
7 guidelines for the selection and administration of California  
8 American Indian education centers. The amendments and  
9 updates to the 1975 guidelines shall require the input of, and  
10 majority approval by, the American Indian Education Oversight  
11 Committee prior to the submission of the guidelines to the state  
12 board.

13 SEC. 5. Section 33383 of the Education Code is amended to  
14 read:

15 33383. (a) An application for the establishment of a  
16 California American Indian education center may be made to the  
17 department by any tribal group or incorporated American Indian  
18 association, separately or jointly, upon forms provided by the  
19 department. The department shall appoint an impartial committee  
20 composed of five individuals who possess knowledge of, and  
21 expertise in, proposal assessment and educational programs that  
22 serve American Indian pupils and communities in order to  
23 determine the funding levels for each center and any new  
24 programs to be created. The committee shall evaluate and rank  
25 the proposals for funding purposes.

26 (b) An application for funding by a California American  
27 Indian education center shall be ranked and approved on the  
28 basis of all of the following criteria:

29 (1) The application is designed to achieve measurable  
30 objectives for the center.

31 (2) The applicant's degree of commitment to the purpose of  
32 American Indian education as demonstrated by the policies  
33 adopted, the allocation of staff, fiscal, and material resources, and  
34 the integration of existing resources and services.

35 (3) The extent and degree of collaborative efforts among local  
36 community resources, organizations, schools, and tribal  
37 communities.

38 (4) The potential impact a center will have on pupils, their  
39 families, and other organizations in the region.

1 (5) The number of pupils in kindergarten and grades 1 to 12,  
2 inclusive, within the applicant's community.

3 (6) Existing centers shall have priority based upon the  
4 demonstrated impact of each program on pupils, parents and the  
5 community served.

6 (7) Existing centers created by the department shall receive  
7 priority in funding.

8 (8) The application of an existing center shall receive priority  
9 for funding over any application for a new center.

10 (c) The funding level for each center shall be based upon a  
11 comprehensive community needs assessment, including the  
12 applicant's history of educational support for American Indian  
13 pupils, their parents or guardians, and the amount of  
14 collaboration with local American Indians.

15 (d) Funding for each center shall be provided at a minimum of  
16 one hundred thousand dollars (\$100,000) with incremental  
17 increases based upon available funding.

18 (e) Funding for each center shall be distributed by reference to  
19 pupil population, pupil academic performance, and the local  
20 economic base.

21 (f) To the extent possible, the centers shall be distributed in  
22 regions throughout the state in order to reflect the American  
23 Indian population base.

24 (g) Funding may be carried forward from a previous fiscal  
25 year for use during the subsequent summer months if deemed  
26 necessary by the department to carry out the purposes of the  
27 American Indian education programs.

28 (h) The approval of an application for the establishment of an  
29 American Indian education center shall be effective for a period  
30 of five calendar years. One calendar year before the expiration of  
31 the five-year period, the department shall commence an  
32 evaluation of the center in order to determine whether to renew  
33 the existing center's application or approve a new application to  
34 establish an American Indian education center.

35 (i) (1) If the application for a center has been approved by the  
36 department and the applicant has received written verification of  
37 that approval, the department shall distribute 75 percent of the  
38 grant award for each year of the grant no later than 45 days after  
39 enactment of the annual Budget Act or any additional authorizing  
40 statute, whichever is later.

1 (2) The department shall distribute the remaining 25 percent of  
2 the grant award for each year of the grant no later than April 1 of  
3 the year following the year in which the initial 75 percent is  
4 distributed pursuant to paragraph (1).

5 SEC. 6. Section 62000.14 of the Education Code is amended  
6 to read:

7 62000.14. (a) The California American Indian Education  
8 Center Program shall sunset on January 1, 2012.

9 (b) (1) Each center shall annually submit a report to the  
10 department that includes appropriate data, presented in a format  
11 developed jointly with the department, that reflects each center's  
12 ability to meet its stated objectives, measure pupil academic  
13 performance, and meets the continued educational and cultural  
14 needs of the community that the center serves.

15 (2) On or before January 1, 2011, the department shall report  
16 consolidated results for all centers and supply information that is  
17 required for a comprehensive evaluation of those results, and  
18 make recommendations for program improvement.

19 (c) The centers shall maintain sound fiscal policies. The  
20 department shall provide technical assistance and training to the  
21 centers in order to assist the centers to maintain sound fiscal  
22 policies. The department may require an annual program audit,  
23 however, if the department deems it fiscally unsound for the  
24 centers to provide an annual audit, a fiscal review shall suffice.

25 (d) The department shall provide technical assistance and  
26 professional development to the directors of the American Indian  
27 education centers throughout the year that shall include timely  
28 documented responses and professional guidance meant to  
29 improve center programs.